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EXAMINER

YE, LIN

ART UNIT PAPER NUMBER

2615

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/867,684	Applicant(s) GOTANDA, YOSHIHARU AK	
	Examiner Lin Ye	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 10/14/04 have been fully considered but they are not persuasive as to claims 1-23.

For claim 1, the applicant argues that the Tanaka reference (U.S. Patent Publication NO. 2002/0191096) fails to disclose a camera which performs any functions that are unrelated to digital camera. The examiner disagrees. The limitation "unrelated to functions of the camera" of claim 1 is for prohibiting the camera from capturing an image. The Tanaka reference clearly discloses in Figure 17, during operation, the camera checks to determine if the switch SPC is turned on, thus, indicating that a computer is connected to the camera by establishing a PC mode. When in PC mode, the power supply to the peripherals provided to the main body of camera is turned on and the power supply to the image pick up section of camera is turned off (as means prohibits the camera from capturing an image, see page 5, [0077]). For this reason, the "PC mode" is ~~for~~ functions that are unrelated to the camera.

For claim 2, the applicant also argues that the Tanaka reference fails to disclose the first mode is for the following: an electronic notebook function. The examiner disagrees. The examiner has stated in last office action, in the first mode (PC mode) of the Tanaka reference, the digital image data is electronically transmitted from the camera to computer. This function of the Tanaka reference can be considered as the claimed electronic notebook function (i.e., It is well known that electronic notebook has function to transmit or receive data from external electrical device, such as PC computer).

TGA
2/20/05

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For amended claim 8, the applicant argues that the secondary reference (Fumio et al. U.S. Patent 6,515,705) fails to teach at least, "a mode setting device that sets a first mode for a function which is unrelated to functions of the camera," as recited in claim 8. It should be noted that the primary reference (Tanaka et al. U.S. Patent Publication NO. 2002/0191096) clearly discloses in Figure 17, during operation, the camera checks to determine if the switch SPC is turned on, thus, indicating that a computer is connected to the camera by establishing a PC mode. When in PC mode, the power supply to the peripherals provided to the main body of camera is turned on and the power supply to the image pick up section of camera is turned off (as means prohibits the camera from capturing an image, see page 5, [0077]). For this reason, the "PC mode" is ~~for~~ functions that are unrelated to the camera as recited in claim 8.

TTG
4/28/05

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka et al. U.S. Publication 2002/0191096.

Referring to claim 1, the Tanaka reference discloses in Figures 2, 7 and 17, an electronic camera comprising: a mode setting device (including main switch SMAIN and SPC switch as shown in Figure 17, see page 5, [0076]-[0077]) that sets a first mode for a function which is unrelated to functions of the camera (i.e., PC mode for connecting the computer 36) and a controlling device (CPU 201 as shown in Figure 7, see page 4, [0062]) that prohibits the camera from capturing an image (e.g., turn off power supply to image pickup section at step #40 in Figure 17) when said first mode (PC mode) is set by said mode setting device (See Page 5, [0077]).

Referring to claim 2, the Tanaka reference discloses wherein said first mode (PC mode) is for the following: an electronic book function, an electronic notebook function (ie., electronic communicating with computer such as image data transmission, see page 8, [0111]).

Referring to claim 3, the Tanaka reference discloses wherein said controlling device (CPU 201) does not accept an input from a switch of the camera (switch SP/R for selecting reproduction mode or photograph mode at #80 in Figure 17) when said first mode (PC mode) is set by said mode setting device (when #20 is yes, the flow chart will escape the #80), said switch (switch SP/R corresponds to the switch 14 as shown in Figure 2, see page 3, [0059]) being provided to a body of the camera for the functions of the camera.

Referring to claim 4, the Tanaka reference discloses wherein said mode setting device chooses between said first mode (PC mode) and a second mode for the functions of the camera (i.e., reproduction mode or photograph mode) as shown in Figure 17.

Referring to claim 5, the Tanaka reference discloses wherein said second mode is a camera mode which includes said recording mode (photograph mode) and the play mode (reproduction mode); and the electronic camera further comprises another mode setting device (switch 14) that chooses between said recording mode and the play mode when the camera mode is set (see page 3, [0059]).

Referring to claim 17, the Tanaka reference discloses wherein the mode setting device is physically actuated directly by a user (a main switch 11 and mode switch 14 are provided at the top of the LCD device as shown in Figure 2, see page 2, [0039]).

Referring to claim 18, the Tanaka reference discloses wherein the mode setting device does not set the first mode based upon a detection of a personal computer cable (See page 2, [0039] and page 4, [0059]).

Referring to claim 19, the Tanaka reference discloses wherein the first mode permits portable operation (data transmission operation).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. U.S. Publication 2002/0191096 in view of Kiyokawa U.S. Patent 6,204,877.

Referring to claim 6, the Tanaka references discloses all subject matter as discussed in respected claims 1 and 4, and said mode setting device including main slide switch (11, see page 2, [0039]) for controlling OFF/ON mode for turning off/on power of the camera and SPC switch for setting first mode (PC mode) or second mode (camera function mode including recording mode and play mode that set by a slide switch 14), except that the references does not explicitly show the mode setting device is a single slide switch for setting those three modes (first mode, second mode and OFF mode) by sliding in difference direction.

The Kiyokawa reference discloses in Figures 3-4, an electronic camera has a mode-setting device (47, see Col. 6, lines 60-64) that is a slide switch that can be locked to set three modes (telephone mode, camera mode and remote mode); and the camera mode which includes said recording mode and the play mode. The Kiyokawa reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system having a slide switch which can set more than two modes so that the mode setting device can simply and quickly perform the more functions by one switch. For that reason, it would have been obvious to see the mode setting device is a single slide switch for setting those three modes (first mode, second mode and OFF mode) by sliding in difference direction disclosed by Tanaka.

Referring to claim 7, the Tanaka and Kiyokawa references disclose all subject matter as discussed with respected to same comment as with claims 1, 4, 5 and 6.

6. Claims 8-10, 12-13, 16, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. U.S. Publication 2002/0191096 in view of Fumio et al. U.S. Patent 6,515,705.

Referring to claim 8, the Tanaka references discloses all subject matter as discussed in respected claim 1, and the image pickup section 3 has a taking lens (301) and CCD (302) (See page 2, [0037]). However, the reference does not explicitly show a lens cover for the taking lens (301), and the controlling device controls the lens cover driving device to close lens cover when camera is not using for perform the camera functions (in the PC mode).

The Fumio reference discloses in Figures 4-5, the camera including an automatic lens cover (8, see Col. 4, lines 54-59); and a lens cover driving unit for driving the lens cover to close while the camera is off or the image pickup unit (4) is unused position or over a 90° range (See Col. 1, lines 35-40, Col. 5, lines 1-5 and 59-67). The Fumio reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system having an automatic lens cover for automatically closing to cover the taking lens when the camera is not in use so that avoiding any scratches on the surface of the camera lens. For that reason, it would have been obvious to one of ordinary skill in the art at the time to see a lens cover for the taking lens (301), and the controlling device controls the lens cover driving device to close lens cover when first mode is set (camera is not using for perform the camera functions) disclosed by Tanaka.

Referring to claim 9, the Tanaka and Fumio references disclose all subject matter as discussed with respected to same comment as with claims 1, 2 and 8.

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Referring to claim 10, the Tanaka and Fumio references disclose all subject matter as discussed with respected to same comment as with claims 1, 3 and 8.

Referring to claim 12, the Tanaka and Fumio references disclose all subject matter as discussed with respected to same comment as with claims 1, 4 and 8.

Referring to claim 13, the Tanaka and Fumio references disclose all subject matter as discussed with respected to same comment as with claims 1, 5 and 8.

Referring to claim 16, the Tanaka and Fumio references disclose all subject matter as discussed with respected to same comment as with claims 1 and 8, and the Fumio reference discloses wherein said taking lens is collapsed (until it is in the unused position) before said lens cover is closed (See Col. 5, lines 62-67).

Referring to claim 20, the Tanaka and Fumio references disclose all subject matter as discussed with respected to same comment as with claims 1 and 8.

Referring to claim 22, the Tanaka and Fumio references disclose all subject matter as discussed with respected to same comment as with claims 1, 8 and 19.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. U.S. Publication 2002/0191096 in view of Fumio et al. U.S. Patent 6,515,705 and Oeda et al. U.S. Publication 2001/0012071.

Referring to claim 11, the Tanaka and Fumio references disclose all subject matter as discussed with respected to claims 1 and 8, except the references do not explicitly show the lens cover is opened when the recording mode (image pick up mode) is set, and does not move the lens cover when the play mode (reproduction mode) is set.

The Oeda reference discloses in Figure 3, the electronic camera has a recording mode (image pick up mode) for recording image data in a storage medium (flash memory 26 in Figure 4) in the camera, and a play mode for playing an image on a monitor (LCD 29) according to the image data stored in the storage medium in the camera; and controlling device (system controller 15) controls the lens cover switch to open only in recording mode, and does not open the lens cover in the play mode. The Oeda reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system open the lens cover when camera using image pick up unit for photographing and does not move the lens cover when camera only using for reproduction to display image data stored in memory, so that lens cover can protect the taking lens effectively. For that reason, it would have been obvious to the one of ordinary skill in the art to see the lens cover is opened when the recording mode (image pick up mode) is set, and does not move the lens cover when the play mode (reproduction mode) is set disclosed by Tanaka.

8. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. U.S. Publication 2002/0191096 in view of Fumio et al. U.S. Patent 6,515,705 and Kiyokawa U.S. Patent 6,204,877.

Referring to claim 14, the Tanaka, Fumio and Kiyokawa references disclose all subject matter as discussed with respected to same comment as with claims 1, 6 and 8.

Referring to claim 15, the Tanaka, Fumio and Kiyokawa references disclose all subject matter as discussed with respected to same comment as with claims 1, 7 and 8.

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9. Claims 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. U.S. Publication 2002/0191096 in view of Fumio et al. U.S. Patent 6,515,705 and Steinberg et al. U.S. Patent 6,006,039.

Referring to claims 21 and 23, the Tanaka and Fumio references disclose all subject matter as discussed with respect to claims 1 and 8, except that two references do not explicitly show the first mode (PC Mode) provides functionality associated with non-image data and without being operable coupled to a personal computer.

The Steinberg reference teaches in Figures 1-2, the digital camera (10) has data transmission mode that providing functionality to receive a non-image data (e.g., configuration data including operation system, behavioral parameters, see Col. 4, lines 33-37) from any remote device (from other camera, PC, removable device, modem, phone, this means that performing the transmission mode does not need operable coupled to a personal computer necessarily). The Steinberg reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system has a mode for providing functionality associated with non-image data and without being operable coupled to a personal computer, so that allowing a user has more flexible options to modify the camera operating system and behavioral parameters in the field, and that can receive and store arbitrary information related to the images, as well as specialized application software as determined by the user from any remote external device. For that reason, it would have been obvious to the one of ordinary skill in the art to see the first mode (PC Mode) provides functionality associated with non-image data and without being operable coupled to a personal computer disclosed by Tanaka.

Conclusion

10. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (703) 305-3250. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (703) 305-4725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lin Ye
February 22, 2005



THAI TRAM
PRIMARY EXAMINER